FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.234 OF 2004
IN
CIVIL APPLICATION NO.154 OF 2003
IN
FAMILY COURT APPEAL NO.6 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

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Coram : H.L.Gokhale &
R.S.Mohite,JJ

Date : 21.12.2004.

PC

. Heard Mr.Bhate in support of this Civil Application. Mr.Khandeparkar appears for the respondent.

1. This application makes a prayer that the applicant-wife be allowed to withdraw her consent with regard to vacating the matrimonial home which is situated at Mulund (West). Now what is material to notice is that the applicant was represented by another Advocate when the minutes of order were tendered to the other division bench on 19.1.2004. The

applicant has also signed those minutes. Her Advocate has signed them. It is not that without understanding the contents of it, she would sign any such minutes seeking an order in terms thereof. There are no allegations made against the Advocate in any manner in the application.

2. Mr.Khandeparkar for the respondent who had appeared earlier when the order in terms of the minutes was passed has informed the applicant and her Advocate that there are 2 such premises in Kalyan where she may shift. He has given the addresses of both those premises. Advocate on record Vidya Gole herself has visited the 2 premises and has pointed out that those premises are located nearby the railway station in a good locality. Mr.Khandeparkar submitted that let the applicant go and visit those premises and choose one of

them. He also pointed out that the leave and license for further period of 5 years was to be entered into. He further stated that the agreement could also be made in the name of the applicant-wife.

3. Upon a query from the Court, Mr.Khandeparkar pointed out that the appeal would be undoubtedly be heard within 5 years and the respondent was ready to file an undertaking that in the event, proceeding is decided against him, he will hand over the premises at Mulund which is matrimonial premises to the applicant here in. He is ready to file necessary undertaking in this Court. Inspite of this, the applicant is not agreeable to accept the undertaking. We are not inclined to entertain any of the prayers made in this application. Application is therefore, rejected.

(H.L.Gokhale,J)

(R.S.Mohite,J)